IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14078 of 2004

Between:

1.K. Balaiah, S/o Subbaiah,
2.K. Guru Swamy, S/o Venkataiah,
3.K Narasaiah, S/o K. Narasimha Murthy,
(All are members of Toddy Tappers Cooperative Society, Pedarikatla Village, Konakamitta Mandal, Prakasam District).

..... PETITIONERS

AND

1 The Commissioner and Excise and Prohibition, Government of Andhra Pradesh, Hyderabad.
2 The Prohibition and Excise Superintendent, Prakasam District at Ongole.
3 The Prohibition and Excise Circle Inspector, Podili, Prakasam District.
4 The President, Pedarikatla Toddy Tappers Cooperative Society, Pedarikatla Village, Konakamitta Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents 1 and 2 in not taking any action against illegal admission of 40 bogus members of the 4th respondent society without even complying with the procedure stipulated under Section 19 of the A.P. C.S. Act and without conducting any tapping test as highly illegal, arbitrary and violative of Art. 14 of the Constitution of India apart from contrary to the provisions of A.P.C.S. Act

Counsel for the Petitioners: MR.G.V.SHIVAJI

Counsel for the Respondent Nos.1 to 3: GP FOR PROHIBITION & EXCISE
Counsel for the Respondent No.4: ---

The Court made the following:

ORDER:

The petitioners claim to be the members of the fourth respondent Toddy Tappers Cooperative Society (for short 'the Society'). It is stated that the President of the Society has erroneously included 40 persons as new members of the Society anti dating their admission as if they were admitted along with the petitioners. The petitioners contend that the said 40 persons are not eligible for being added as members of the Society and therefore, complaining about the same, they made a representation before the second respondent-Prohibition and Excise Superintendent, Prakasam District, Ongole, which was received by him on 20.01.2004. It is stated that they have also made a further representation on 31.05.2004. The grievance of the petitioners is that the second respondent failed to conduct any enquiry and the objections raised by them have not been decided so far. Hence, this writ petition seeking a declaration that the inaction on the part of the respondents is arbitrary and illegal.

I have heard the learned counsel for the petitioners and the learned Government Pleader for Prohibition and Excise appearing for respondents 1 to 3.

Having regard to the facts and circumstances of the case and since the representations made by the petitioners are still pending before the second respondent, without expressing any opinion on the allegations made by the petitioners, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to consider the representations of the petitioners dated 20.01.2004 and 31.05.2004 and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

10.08.2004

Note: Furnish CC in two days.

(b/o)

VGB

To

1 The Commissioner and Excise and Prohibition, Government of Andhra Pradesh, Hyderabad.
2 The Prohibition and Excise Superintendent, Prakasam District at Ongole.
3 The Prohibition and Excise Circle Inspector, Podili, Prakasam District.
4 The President, Pedarikatla Toddy Tappers Cooperative Society, Pedarikatla Village, Konakamitta Mandal, Prakasam District.

4 2CCs to the Government Pleader for Prohibition and Excise, High Court Buildings, Hyderabad (OUT)

5 2CD copies